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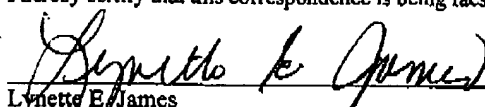
Docket No. 741890-18

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of )  
Damien ROSNEY et al. ) Art Unit: 3734  
Serial No.: 09/936,840 ) Examiner: Vi X. Nguyen  
Patent No.: 7,214,185 B1 )  
Issued: May 8, 2007 )  
Filed: January 7, 2002 ) Date: September 29, 2008  
For: SURGICAL ACCESS DEVICE

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 571-273-8300 on September 29, 2008.

  
Lynette E. James

**PETITION UNDER 37 CFR 3.81(b)****Mail Stop Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition that the requirements of 37 CFR 3.81 be waived to enable correction of Applicants' error in the incorrect listing of the Assignee's name in item three (3) of the Issue Fee Transmittal as "Machlachlan & Donaldson", which resulted in the wrong name of the Assignee being listed on the front page of U.S. Patent No. 7,214,185 B1. A copy of the request for issuance of a Certificate of Correction and the requisite fee are submitted simultaneously herewith.

In particular, an assignment was filed for U.S. Patent Application No. 09/936,840, now Patent No. 7,214,185 B1, was recorded at Reel/Frame 012451/0526 on January 7, 2002, which properly lists the Assignee's name (i.e., Gaya Limited).

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NO. 1665 P. 3

SEP 29 2008 U.S. Patent No. 7,214,185 B1  
Application No. 09/936,840  
Docket No. 741890-18

The error for which correction is herein requested occurred on the Issue Fee Transmittal form (PTOL-85B) submitted March 27, 2007 when the Assignee's name was not properly listed. This error was inadvertent and clerical in nature.

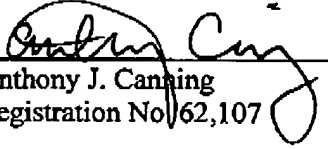
The proper listing of the Assignee's name is important to those reviewing issued patents to designate the true owners of a particular patent. Specifically, it is important for the patentee to properly receive business inquiries from interested parties. It is also important to the interested public so that the proper owners are recognized and available for business discussions, for instance, when the subject patent is noted during a search. Without the requested Certificate of Correction, the patentee could lose potential business opportunities and the public could be misinformed. Consequently, the patentee respectfully requests that the Certificate of Correction be granted in this patent.

A copy of the recorded assignment for U.S. Patent No. 7,214,185 B1 is submitted herewith as true and accurate proof of the Assignee's name.

✓ The Petition Fee amount of \$130.00 under 37 C.F.R. 1.117(h) and any additional fees or overages due in connection with this patent and the requested actions should be applied to Deposit Account No. 19-2380.

Respectfully submitted,

Date: September 29, 2008

  
Anthony J. Canning  
Registration No. 62,107

NIXON PEABODY LLP  
401 9th St., N.W.  
Suite 900  
Washington, DC 20004  
Phone: (202)-585-8000

JLC/AJC/lej

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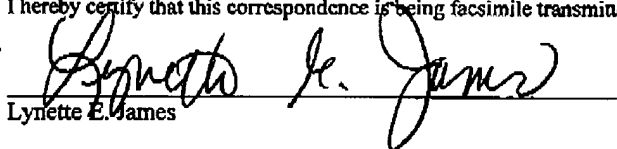
Docket No. 741890-18

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT application of )  
Damien ROSNEY et al. ) Art Unit: 3734  
Serial No.: 09/936,840 ) Examiner: Vi X. Nguyen  
Patent No.: 7,214,185 B1 )  
Issued: May 8, 2007 )  
Filed: January 7, 2002 ) Date: September 29, 2008  
For: SURGICAL ACCESS DEVICE

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at 571-273-8300 on September 29, 2008.

  
Lynette E. James**REQUEST FOR CERTIFICATE OF CORRECTION**

**Certificate of Corrections Branch**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reviewing the above-identified patent, several errors of a clerical nature were discovered therein requiring correction in order to remove these mistakes from the issued patent. None of the below corrections to the patent should be considered substantive in nature, but instead are merely corrections of obvious clerical errors contained therein.

The errors noted are set forth on the attached copy of Form PTO-1050 (Rev. 3-82) in the manner required by the Commissioner's Notice.

Specifically, upon review of the drawings of the issued patent, the following errors were noted:

A large "X" is marked over each of Figs. 5-7. Consequently, replacement drawings are required for Figs. 5-7 for removal of the large "X" therefrom.

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U.S. Patent No. 7,214,185 B1

Application No. 09/936,840

Docket No. 741890-18

This error resulted from a failure of the USPTO to properly enter an after allowance amendment under 37 C.F.R. 1.312 filed on March 27, 2007. In the amendment after allowance, Applicants requested the entry of replacement drawings for Figs. 1-4 and the deletion of Figs. 5-7. Along with the replacement drawing sheet for Figs. 1-4, a sheet for Figs. 5-7 was filed therein with the large "X" over the figures showing Figs. 5-7 were marked for deletion.

However, instead of deleting Figs. 5-7, as was requested, the USPTO erroneously issued the patent with the "X" marked Figs. 5-7.

Thus, to remedy the error the Patentee wishes to have formal replacement drawings for Figs. 5-7 entered via Certificate of Correction that remove the "X", and thereby clearly depict each feature of the invention shown in Figs. 5-7, instead of filing a costly Reissue Application to remove Figs. 5-7 at this stage.

Upon review of the front page of the issued patent, the following errors were noted:

The Assignee's name (i.e., Gaya Limited) is incorrectly listed (i.e., Maclachlan & Donaldson).

This incorrect listing originally occurred on the Issue Fee due form (PTOL-85B) dated March 27, 2007, and thus was incorrectly listed on the front page of the above-referenced patent.

As provided by the Notice of Recordation of Assignment Document (i.e., Reel/Frame 012451/0526) dated January 7, 2002, the assignment was submitted for recordation before issuance of U.S. Patent No. 7,214,185 B1 on May 8, 2007, to assign interest to Gaya Limited.

Applicants inadvertently listed the Assignee's name as "Maclachlan & Donaldson" (Applicants' Irish counsel) on the Issue Fee due form (PTOL-85B), which resulted in its printing on the front page of U.S. Patent No. 7,214,185 B1.

Thus, for the reasons stated in the accompanying Petition under 37 C.F.R. 3.81(b), the Patentee respectfully requests that --Maclachlan & Donaldson-- be deleted from the front page of U.S. Patent No. 7,214,185 B1, and replaced with --Gaya Limited-- as provided in the attached Certificate of Correction (PTO-1050).

Furthermore, as seen in line 2 of the Abstract, the term "though" should actually be --through--. Thus, the Patentee requests that in line 2 of the Abstract "though" be deleted, and in its place --through-- be inserted.

U.S. Patent No. 7,214,185 B1  
Application No. 09/936,840  
Docket No. 741890-18

Furthermore, upon review of the written disclosure the following typographical errors were noted:

As seen in column 2, line 50, the term "patients" should be deleted and in its place --patient's-- should be inserted.

As seen in column 3, line 25, the term "patients" should be deleted, and in its place --patient's-- should be inserted.

As seen in column 3, lines 45-46, the term "surgeons" should be deleted, and in its place --surgeon's-- should be inserted.

As seen in column 3, line 47, the term "and" should be deleted, and in its place --an-- should be inserted.

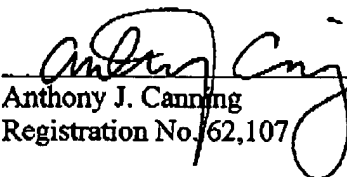
As seen in column 4, line 16, directly after the term "position" a comma --,- should be inserted.

Thus, for the reasons stated above, the Patentee respectfully requests the correction of U.S. Patent No. 7,214,185 B1.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380.

Respectfully submitted,

Date: September 29, 2008

  
Anthony J. Canning  
Registration No. 62,107

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W.  
Suite 900  
Washington, DC 20004-2128  
Phone: (202) 585-8000

JLC/AJC/lej

## UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO. : 7,214,185 B1

ISSUED : May 8, 2007

INVENTOR(S) : Damien Rosney et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Replace Figs. 5-7 with the replacement figures submitted herewith.

In line 2 of the Abstract "though" should be deleted, and in its place —through— should be inserted.

In column 2, line 50, the term "patients" should be deleted, and in its place --patient's-- should be inserted.

In column 3, line 25, the term "patients" should be deleted, and in its place --patient's-- should be inserted.

In column 3, lines 45-46, the term "surgeons" should be deleted, and in its place —surgeon's— should be inserted.

In column 3, line 47, the term "and" should be deleted, and in its place —an— should be inserted.

In column 4, line 16, directly after the term "position" a coma --,— should be inserted.

On the front page of the patent, the Assignee's name "MacIachlan & Donaldson" should be deleted, and in its place --Gaya Limited— should be inserted.

MAILING ADDRESS OF SENDER:  
NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W., Suite 900  
Washington, D.C. 20004-2128

Patent No. 7,214,185 B1

SEND TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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NO. 1665 P. 10



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Chief Information Officer  
Washington, DC 20231  
www.uspto.gov

NIXON PEABODY LLP  
JEFFREY L. COSTELLIA  
SUITE 800  
8180 GREENSBORO DRIVE  
MCLEAN, VA 22102



\*101946047A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/07/2002

REEL/FRAME: 012451/0526  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ROSNEY, DAMIEN

DOC DATE: 11/14/2001

ASSIGNOR:

CUMMINS, CHRISTY

DOC DATE: 11/14/2001

ASSIGNOR:

BERMINGHAM, DONAL

DOC DATE: 11/11/2001

ASSIGNEE:

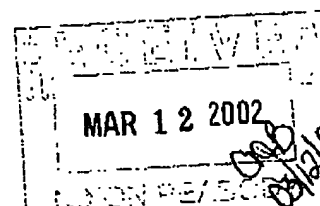
GAYA LIMITED  
2-3 SANDYFORD VILLAGE, SANDYFORD  
DUBLIN 18, IRELAND

SERIAL NUMBER: 09936840

FILING DATE: 01/07/2002

PATENT NUMBER:

ISSUE DATE:



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NO. 1665 P. 11

012451/0526 PAGE 2

STEVEN POST, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



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NO. 1665 P. 12

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MRD 1-7-02

01-15-2002

Form PTO-1595  
(Rev. 03/01)  
OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Docket No.

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Damien ROSNEY  
Christy CUMMINS  
Donal BERMINGHAMAdditional name(s) of conveying party(ies) attached? ☐ Yes ☐ No

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other

Execution Date: November 11, 14, 2001

## 2. Name and address of receiving party(ies)

Name: GAYA LIMITED

Internal Address:

Street Address: 2-3 Sandyford Village, Sandyford

City: Dublin 18 State: Zip:

Country: Ireland Postal Code:

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s);

09936840

If this document is being filed together with a new application, the execution date of the application is:

## A. Patent Application No.(s)

09/936,840

## B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Attorney Name: Jeffrey L. Costellia  
Firm Name: Nixon Peabody LLP  
Internal Address: Suite 800  
Street Address: 8180 Greensboro Drive  
City: McLean State: VA Zip: 22102

## 7. Total number of applications and patents involved: 1

## 8. Total fee (37 CFR 3.41) .....\$40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 6. Submission Type

- ☒ New  
☐ Resubmission (Non-Recordation)  
Document ID#  
☐ Correction of PTO Error  
Reel # Frame #  
☐ Corrective Document  
Reel # Frame #

## 9. Deposit account number:

19-2380

(Attach duplicate copy of this page if paying by deposit account)

## 10. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jeffrey L. Costellia

Name of Person Signing

Signature

January 7, 2002

Date

Total number of pages including cover sheet, attachments, and documents:

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as (first class mail) in an envelope addressed to Commissioner for Patents, Washington, DC 20231. on

Name:

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

NVA210675.1

1890-0018

## ASSIGNMENT

For good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, as a below named inventor, I hereby sell and assign to GAYA LIMITED

2-3 Sandyford Village, Sandyford, Dublin 18, Ireland

its successors and assigns or other legal representatives all my rights, title and interest, in and for the United States of America, in and to A SURGICAL ACCESS DEVICE

invented by me (if only one is named below) or us (if plural inventors are named below) and described in the application for United States Letters Patent therefore, 09/936,840, executed on even date herewith and all United States Letters Patent which may be granted therefore, and all divisions, continuations, reissues, reexaminations and extensions thereof, the said interest being the entire ownership of the said Letters Patent when granted, to be held and enjoyed by said GAYA LIMITED its successors, assigns or other legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by me or us if this assignment and sale had not been made;

And I hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of the above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reviewed or reissue applications or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said assignee;

And I do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to said GAYA LIMITED

- |  | (Full Name)                         | (Signature)             |
|--|-------------------------------------|-------------------------|
| 1. Date <u>14/11/01</u>  | Inventor <u>Damien ROSNEY</u>       | <u>Damien Rosney</u>    |
| Residence <u>Same as P.O. address</u>  | Citizenship <u>an Irish citizen</u> |                         |
| Post Office Address <u>Mount Pleasant, Bluebell, Tullamore, County Offaly, Ireland</u> |                                     |                         |
| 2. Date <u>14/11/01</u>  | Inventor <u>Christy CUMMINS</u>     | <u>Christy Cummins</u>  |
| Residence <u>Same as P.O. address</u>  | Citizenship <u>an Irish citizen</u> |                         |
| Post Office Address <u>54 Knockowen Road, Tullamore, County Offaly, Ireland</u>        |                                     |                         |
| 3. Date <u>14/11/01</u>  | Inventor <u>Donal BERMINGHAM</u>    | <u>Donal Bermingham</u> |
| Residence <u>Same as P.O. address</u>  | Citizenship <u>an Irish citizen</u> |                         |
| Post Office Address <u>Ballycommon, Tullamore, County Offaly, Ireland</u>              |                                     |                         |
| 4. Date _____  | Inventor _____                      |                         |
| Residence <u>Same as Post Office Address</u>   | Citizenship _____                   |                         |
| Post Office Address _____  |                                     |                         |

Witness(es)

(All)

W. L. Caldwell

1)

2)

3)

4)